JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
LUIS W. RIVERA, individually and in behalf of all other persons similarly situated

DEFENDANTS
BIM CLEANING SERVICES INC., QUALITY FACILITY SOLUTIONS CORP d/b/a QUALITY FLOORSHINE SOLUTIONS, JUDA FALKOWITZ, and YIDEL FALKOWITZ, jointly and severally

(b) County of Residence of First Listed Plaintiff   Kings
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Law Office of Justin A. Zeller, P.C., 277 Broadway Ste 408, New York NY 10007-2036, 1-212-229-2249

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ❏ 1 U.S. Government Plaintiff
- ❏ 2 U.S. Government Defendant
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ❏ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	❏ 1	❏ 1	Incorporated *or* Principal Place of Business In This State	❏ 4	❏ 4
Citizen of Another State	❏ 2	❏ 2	Incorporated *and* Principal Place of Business In Another State	❏ 5	❏ 5
Citizen or Subject of a Foreign Country	❏ 3	❏ 3	Foreign Nation	❏ 6	❏ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
❏ 110 Insurance	**PERSONAL INJURY** **PERSONAL INJURY**	❏ 625 Drug Related Seizure of Property 21 USC 881	❏ 422 Appeal 28 USC 158	❏ 375 False Claims Act
❏ 120 Marine	❏ 310 Airplane ❏ 365 Personal Injury -	❏ 690 Other	❏ 423 Withdrawal 28 USC 157	❏ 376 Qui Tam (31 USC 3729(a))
❏ 130 Miller Act	❏ 315 Airplane Product Product Liability			❏ 400 State Reapportionment
❏ 140 Negotiable Instrument	Liability ❏ 367 Health Care/		**PROPERTY RIGHTS**	❏ 410 Antitrust
❏ 150 Recovery of Overpayment & Enforcement of Judgment	❏ 320 Assault, Libel & Pharmaceutical Slander Personal Injury		❏ 820 Copyrights	❏ 430 Banks and Banking
❏ 151 Medicare Act	❏ 330 Federal Employers' Product Liability		❏ 830 Patent	❏ 450 Commerce
❏ 152 Recovery of Defaulted Student Loans	Liability ❏ 368 Asbestos Personal		❏ 840 Trademark	❏ 460 Deportation
(Excludes Veterans)	❏ 340 Marine Injury Product			❏ 470 Racketeer Influenced and Corrupt Organizations
❏ 153 Recovery of Overpayment of Veteran's Benefits	❏ 345 Marine Product Liability Liability **PERSONAL PROPERTY**	**LABOR**	**SOCIAL SECURITY**	❏ 480 Consumer Credit
❏ 160 Stockholders' Suits	❏ 350 Motor Vehicle ❏ 370 Other Fraud	☒ 710 Fair Labor Standards Act	❏ 861 HIA (1395ff)	❏ 490 Cable/Sat TV
❏ 190 Other Contract	❏ 355 Motor Vehicle ❏ 371 Truth in Lending	❏ 720 Labor/Management Relations	❏ 862 Black Lung (923)	❏ 850 Securities/Commodities/ Exchange
❏ 195 Contract Product Liability	Product Liability ❏ 380 Other Personal	❏ 740 Railway Labor Act	❏ 863 DIWC/DIWW (405(g))	❏ 890 Other Statutory Actions
❏ 196 Franchise	❏ 360 Other Personal Property Damage Injury ❏ 385 Property Damage	❏ 751 Family and Medical Leave Act	❏ 864 SSID Title XVI	❏ 891 Agricultural Acts
	❏ 362 Personal Injury - Product Liability	❏ 790 Other Labor Litigation	❏ 865 RSI (405(g))	❏ 893 Environmental Matters
	Medical Malpractice	❏ 791 Employee Retirement		❏ 895 Freedom of Information Act
REAL PROPERTY	**CIVIL RIGHTS** **PRISONER PETITIONS**	Income Security Act	**FEDERAL TAX SUITS**	❏ 896 Arbitration
❏ 210 Land Condemnation	❏ 440 Other Civil Rights **Habeas Corpus:**		❏ 870 Taxes (U.S. Plaintiff or Defendant)	❏ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
❏ 220 Foreclosure	❏ 441 Voting ❏ 463 Alien Detainee		❏ 871 IRS—Third Party 26 USC 7609	
❏ 230 Rent Lease & Ejectment	❏ 442 Employment ❏ 510 Motions to Vacate			
❏ 240 Torts to Land	❏ 443 Housing/ Sentence			❏ 950 Constitutionality of State Statutes
❏ 245 Tort Product Liability	Accommodations ❏ 530 General			
❏ 290 All Other Real Property	❏ 445 Amer. w/Disabilities - ❏ 535 Death Penalty Employment **Other:**	**IMMIGRATION**		
	❏ 446 Amer. w/Disabilities - ❏ 540 Mandamus & Other Other ❏ 550 Civil Rights	❏ 462 Naturalization Application		
	❏ 448 Education ❏ 555 Prison Condition	❏ 465 Other Immigration Actions		
	❏ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ❏ 2 Removed from State Court
- ❏ 3 Remanded from Appellate Court
- ❏ 4 Reinstated or Reopened
- ❏ 5 Transferred from Another District *(specify)*
- ❏ 6 Multidistrict Litigation - Transfer
- ❏ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
29 U.S.C. § 201 et seq.
Brief description of cause:
Fair labor standards

VII. REQUESTED IN COMPLAINT:
☒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes   ❏ No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE Dearie
DOCKET NUMBER 17 CV 2378

DATE
06/01/2017
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #   AMOUNT   APPLYING IFP   JUDGE   MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of $150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, _John M. Gurrieri_____, counsel for _plaintiff_____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☐   monetary damages sought are in excess of $150,000, exclusive of interest and costs,

☒   the complaint seeks injunctive relief,

☒   the matter is otherwise ineligible for the following reason   seeks declaratory judgment

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

1.)   Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County: _No_____

2.)   If you answered "no" above:
a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? _No_____

b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? _Yes_____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?_____
      (Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.
      ☒   Yes   ☐   No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?
      ☐   Yes   (If yes, please explain)   ☒   No

I certify the accuracy of all information provided above.

Signature:_____